

State fights U.S. mandate to remove levees' trees

Sunday, December 11, 2011



Seen from above, the Sacramento-San Joaquin River Delta reveals a tidy patchwork of farmlands transected by river channels and canals, many lined by trees and brush. From the ground, the view is of waterfowl feeding, with hawks soaring overhead. Salmon and steelhead hover near the tree-shaded banks where the water is cooler and insects plentiful. Revamped federal rules, however, threaten this riparian habitat and flood management efforts in the delta and along the San Francisco Bay's creeks.

Under rules developed post-Katrina by the U.S. Army Corps of Engineers, state and levee districts across the nation are required to remove trees and shrubs from federally designed and built levees, or face loss of federal funding for levee repairs after a flood.

Fruitless years of discussion among federal, state and regional officials resulted in Friends of the River and other environmental organizations suing the Corps of Engineers in June. Last month, in a highly unusual alliance, the state Department of Fish and Game petitioned the federal court to join the suit, claiming the federal policy would "do incredible damage to California's remaining riparian and adjacent riverine ecosystem." The state estimates only 5 percent of the Central Valley's riparian forest remains.

Ironically, the levee vegetation debate has erupted as the state is developing the Bay Delta Conservation Plan, possibly the biggest water and environmental decision on water this generation of Californians will make. That plan will rely on the federal government as a steady and trusted partner in restoring the estuary.

State and local levee management agencies say compliance would:

- (1) Cost at least \$7.5 billion to remove the vegetation from about 2,100 miles or 15 percent of the levees in the state, including about 100 miles of levees in the San Francisco Bay.
- (2) Not offer any more flood protection.
- (3) Contradict Corps engineering studies that show vegetation protects levees by slowing

flows and strengthening levees.

(4) Force costly redesign of flood management projects, including those on the Napa River and Wildcat Creek in Richmond.

(5) Violate federal environmental protections, especially for struggling salmon and steelhead fisheries.

So great was the reversal in policy that Ann L. Riley, a San Francisco riparian expert who has worked on water issues since the 1980s, described the new rules as "our Pearl Harbor. It was a sneak attack; we only found out by an unexpected policy published in the Federal Register."

In September, the Corps released the results of a new \$1.34 million study that concludes trees "increase uncertainty" about levee integrity. Corps engineers fear winds could topple a tree, breaching a levee.

They also worry a tree might die, and as the roots decay, water seepage would weaken the levee and flood the surrounding lands. Tree removal, thus, must include the roots too, an even costlier task.

"Public safety is the No. 1 priority," states the Corps' new guidelines. Yet, in earlier decades, the Corps paid to plant trees. Trees line many of the federal levees turned over to the state and local districts. Now the Corps wants "other than federal entities" to pay to remove them. "They have imposed this without recognizing their own obligations," said Rod Mayer, the state's flood-management executive.

The state Department of Water Resources is taking public comment this week on a proposed compromise that would leave the mature vegetation, but remove seedlings as they come up. This would gradually clear the land-side slopes but leave the trees and shrubs on the water-side slopes to provide wildlife habitat.

Democratic Rep. John Garamendi, who lives on a levee in Walnut Grove, says local flood control district managers, not Washington bureaucrats, know what is necessary to protect their levees. "The Corps has set a one-size-fits all-policy: "But would the Army buy the same size boot for every soldier?"

Californian Leon Panetta, the secretary of defense, oversees the Army Corps of Engineers. Secretary Panetta should help California keep its riparian forests.

Seeking your comment

State's proposed levee vegetation management plan. Go to sfg.ly/uWE8oJ

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/12/11/IN9B1M9N8O.DTL>

*This article appeared on page **E - 10** of the San Francisco Chronicle*

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